IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 9207 of 1994

Between:

Basudeva Pradhan, S/o Raghunath, Pradhan, 33 years, R/o Sekharapuram village, Visakhapatnam District.

.....PETITIONER

AND

Government of Andhra Pradesh, rep.,by Secretary, Social Welfare, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction particularly one in the nature of MANDAMUS declaring the G.O.Rt.371 dated 28.05.1992 as clarified in Memo No.6290/J2/93-3, dated 15.06.1993 as arbitrary, illegal and consequently direct the respondent therein not to give effect to the same and pass such other orders.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondent : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This writ petition is filed challenging the G.O.Rt..No.371, dated 28.05.1992 clarified in Memo No.6290/J2/93-3, dated 15.06.1993 as arbitrary and illegal.

The petitioner states that they belonged to Bentho-Oriya Community and they were issued Certificates accordingly. The Director of Tribal Welfare also came to the conclusion that the persons residing in Srikakulam District are belonged to Bentho-Oriya Community but not Vaddi Community. However, without conducting any enquiry, the revenue officials concluded that the petitioner belongs to Vaddi community.

It is the grievance of the petitioner that the respondent department issued G.O.Rt.No.371, Social Welfare (J) Department, dated 28.05.1992 clarifying that the Bentho-Oriya people shall be treated as S.Ts if they only establish affinity with 'Kotia' tribe and such interpretation is not based on sound reasoning.

Having heard the learned Counsel for the petitioner and learned Government Pleader (Social Welfare) and inasmuch as it is now represented by the learned Government Pleader for Social Welfare that recently the Government has issued fresh guidelines, the relief sought for in the writ petition does not survive for adjudication.

The writ petition is accordingly dismissed giving liberty to the petitioner to challenge the said guidelines in appropriate forum as per law. No costs.

25.11.2004

MRKR/KK

To

1. The Secretary, Government of Andhra Pradesh, Social Welfare, Hyderabad.

2. Two C.Cs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad.(OUT)

3. Two C.D.copies